



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

08/10/23

01:43 PM

C2308005

Jonathan Marcus,

Complainant,

vs.

Cellco Partnership d/b/a Verizon Wireless
(U3001C),

Defendant.

(ECP)

Case (C.) _____

Expedited Complaint
(Rule 4.6)

COMPLAINANT	DEFENDANT
Jonathan Marcus 2632 Wilshire Blvd #177 Santa Monica CA 90403 T: 310-998-7117 E-mail: jon@jonmarcus.com	Cellco Partnership d/b/a Verizon Wireless (U3001C) Attn: Sherri Murillo 1415 L Street, Suite 1250 Sacramento CA 95814 T: 916-208-8326 E-mail: smurillo.Cellco3001@verizon.com

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A) *Jonathan Marcus*

COMPLAINANT(S)

vs.

(B) *Verizon/Verizon Wireless*

DEFENDANT(S)

(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

☒ YES ☐ NO

Has staff responded to your complaint?

☒ YES ☐ NO

Did you appeal to the Consumer Affairs Manager?

☒ YES ☐ NO

Do you have money on deposit with the Commission?

☐ YES ☒ NO

Amount \$

28 JUN 19 PM 12:18

Is your service now disconnected?

☐ YES ☒ NO

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
<i>Jonathan Marcus</i>	<i>2632 Wilshire Blvd, #177</i>	<i>310-998-7117</i>
	<i>Santa Monica, CA 90403</i>	

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
<i>Verizon Wireless</i>		

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

See attached pages

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

☒ adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

☐ ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? ☒ YES ☐ NO

(3) ☒ Regular Complaint ☐ Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

Verizon Unleash changed my plan without authorization.

- (5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.
Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

My previous plan retracted. It is still active so it is still an option even though verizon says its "grandfathered" which actually only means they don't offer it as a new plan.


(I)

OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

Jon @ Jon Mares .com

(J)

Dated San Jose, California, this 5 day of June, 2023
(City) (date) (month) (year)


Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)**REPRESENTATIVE'S INFORMATION:**

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	
Address:	
Telephone Number:	
E-mail:	
Signature	

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on June 5, 2023, at Santa Monica, California
(date) (City)


(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on _____, at _____, California
(date) (City)

Signature of Officer

Title

(N) NUMBER OF COPIES NEEDED FOR FILING:

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office

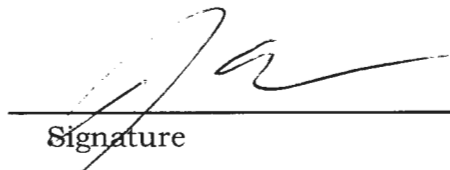
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

PRIVACYNOTICE

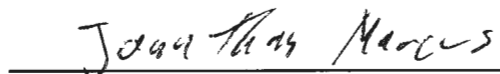
This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.



Signature

Date

Print your name

TO: California CPUC

From: Jonathan Marcus

RE: Verizon Wireless committing fraud and switching my plan without my authorization

Recently I called Verizon and asked about my plan due to a minor glitch that was happening. When I asked what plan I was on, they gave me the name and rate and said it was the most recent plan. The rate has been the same for many years so I didn't think twice about it until they said it was the most recent plan. I asked what the data throttling point was and they said 50GB.

That's when I knew they had switched it because the plan I was supposed to be on had a data throttling point of 75GB. I know because I had this conversation with a rep a few years ago when I called and asked about new plans. I was on the road a lot and I didn't want my data to slow down sooner. I wanted that higher throttling point and I remember the number....75GB.

Someone switched my plan without my authorization.

I asked to speak to a supervisor and that supervisor said there was nothing they could do. I called the CPUC who put me in touch with Verizon's higher level of support through the "executive office" and they claim I gave authorization a couple years ago. I asked if the calls were recorded and they said the calls were indeed recorded. I asked they find that recording and they said they would find it.

A week later that rep called and said they don't have the recording and I should have called about the plan change within a couple months of it changing.

This is where the fraud comes in.

This was an upgraded plan but yet it costs the same amount of money. Who does that? No one. So why did Verizon set it up this way? So no one will know their plan was switched because no one knows the names of their plans (which all sound similar by the way) but they know the price so when they look at the bill, the price is the same.

So how does Verizon make money off upgrading to a new plan with the same price?
Two ways:

- 1) The new plan has additional features like access to Hulu, Disney+, etc and Verizon must be making money off birddogs for signing up people on the new plans; and
- 2) The New plans hit a slower data speed and a much sooner point so Verizon doesn't have to spend more money on equipment to service everyone including so many

that are told they get unlimited data but aren't told up from that this data goes at slower speeds 50% sooner.

This is a scam and **its fraud**. As for my particular situation, Verizon has no proof that I gave authorization to change my plan. They have nothing in writing, nothing noting I clicked on an internet acceptance option and then the phone call they should have recorded and saved is mysteriously missing.

Their excuses are:

- 1) They try to put the responsibility on me for not calling in after the plan was changed but that's why they made the upgraded plan the same price, so people wouldn't notice it.
- 2) They claim the phone call was deleted due to time that has elapsed but that's the only proof they would have as to what was really said. So they have no proof and its their responsibility to have that; and
- 3) They claim they can't change the plan back because its "grandfathered" which is a tricky phrase. Does it mean the plan isn't active? No. The plan is still active with many people considering the millions of people who use Verizon. In fact, grandfathered means something still exists but Verizon keeps using that word to make us think the plan doesn't exist anymore. These plans are not physical products. If they stopped making a chair years ago and don't have anymore in stock, that's different. But these plans are just a few taps at a computer keyboard and all they have to do is with me back.

I am deeply concerned at the fraud aspect of this switch and I guarantee this is NOT a mistake but its actually a policy set up by their Executives and their Sales Department to make money in a stealthy manner that the public won't see.

Please make them switch my plan back to what it was before they fraudulently switched me and (oops) lost the verification they needed to do that legally.

Thanks,
Jon Marcus
Santa Monica, CA
310-998-7117

**Billing period**

Feb 27, 2020 - Mar 26, 2020

Account number

873415677-00001

Account Charges**\$0.00****Jonathan Marcus****\$105.31**

310-998-7117

iPhone 8

Save \$5 on your ABOVE UNLIMITED plan every month when you enroll in Auto Pay (using checking account or debit card) and paper-free billing. Enroll on the My Verizon app, or at go.vzw.com/gopaperfree.

Monthly charges and credits**\$100.00****Above Unlimited** (Mar 27 - Apr 26)**\$100.00**

Surcharges**\$2.70**

Fed Universal Service Charge

\$0.77

Regulatory Charge

\$0.15

Administrative Charge

\$1.78

**Billing period**

Mar 27, 2020 - Apr 26, 2020

Account number

873415677-00001

Account Charges**\$0.00**

Media and apps were purchased through your mobile device or on the Internet. To block the ability to place charges on your account, including purchases from other vendors, please visit vzw.com/serviceblocks.

Verizon media and apps**\$0.00**

Disney+ on us (Apr 25 - May 24)

\$0.00

Promotional Period: Apr 25, 2020 - Apr 24, 2021

Jonathan Marcus**\$104.21**

310-998-7117

iPhone 8

Save \$10 on your GET MORE UNLIMITED plan every month when you enroll in Auto Pay (using checking account or debit card) and paper-free billing. Enroll on the My Verizon app, or

One-time charges and credits**\$0.00**

Get more unlimited - partial-month (Apr 14 - Apr 26)

\$41.94

Above unlimited - partial-month refund (Apr 14 - Apr 26)

-\$41.94

Monthly charges and credits**\$100.00**

**Billing period**

Apr 27, 2020 - May 26, 2020

Account number

873415677-00001

Account Charges**\$0.00**

Media and apps were purchased through your mobile device or on the Internet. To block the ability to place charges on your account, including purchases from other vendors, please visit vzw.com/serviceblocks.

Verizon media and apps**\$0.00**

Disney+ on us (May 26 - Jun 24)

\$0.00

Promotional Period: Apr 25, 2020 - Apr 24, 2021

Jonathan Marcus**\$104.53**

310-998-7117

iPhone 8

Save \$10 on your GET MORE UNLIMITED plan every month when you enroll in Auto Pay (using checking account or debit card) and paper-free billing. Enroll on the My Verizon app or

Monthly charges and credits**\$100.00**

Get More Unlimited (May 27 - Jun 26)

\$100.00

Add-ons**\$0.00**

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